

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

Peter C Starken Jr

Pro Se

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

The Patchogue Medford Union Free School District

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Complaint for Employment
Discrimination

Case No. **CV 25 0584**

(to be filled in by the Clerk's Office)

Jury Trial: Yes No
(check one)

BULSARA, J.
WICKS, M.J.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ FEB - 3 2025 ★

LONG ISLAND OFFICE

RECEIVED

FEB - 3 2025

EDNY PRO SE OFFICE

REC'D IN PRO SE OFFICE
FEB 3 '25 PM2:17

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Peter C Starke Jr
Street Address	124 Saing George Drive East
City and County	Shirley, Suffolk County
State and Zip Code	New York 11967
Telephone Number	631-603-8156
E-mail Address	petestarken@gamil.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Patchogue Medford Union Free School District
Job or Title (if known)	
Street Address	241 South Ocean Avenue
City and County	patchogue, Suffolk County
State and Zip Code	New York 11967
Telephone Number	631-687-6300
E-mail Address (if known)	tdeleva@pmschools.org

Defendant No. 2

Name	
Job or Title (if known)	
Street Address	
City and County	

State and Zip Code	_____
Telephone Number	_____
E-mail Address (if known)	_____

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is:

Name	Patchogue Medford High School
Street Address	181 Buffalo Ave
City and County	Medford, Suffolk County
State and Zip Code	New York 11763
Telephone Number	631-687-6500

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (*check all that apply*):

- Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- Other federal law (*specify the federal law*):
see attached
- Relevant state law (*specify, if known*):
see attached
- Relevant city or county law (*specify, if known*):
see attached

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (*check all that apply*):

- Failure to hire me.
- Termination of my employment.
- Failure to promote me.
- Failure to accommodate my disability.
- Unequal terms and conditions of my employment.
- Retaliation.
- Other acts (*specify*): defamation of character

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

Please see attached, Dates range as early as March 2019 and are ongoing.

C. I believe that defendant(s) (*check one*):

- is/are still committing these acts against me.
 is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (*check all that apply and explain*):

- race _____
 color _____
 gender/sex _____
 religion _____
 national origin _____
 age. My year of birth is _____. (*Give your year of birth only if you are asserting a claim of age discrimination.*)
 disability or perceived disability (*specify disability*)

E. The facts of my case are as follows. Attach additional pages if needed.

Please see the attached

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

May 8th 2023

- B. The Equal Employment Opportunity Commission (*check one*):

- has not issued a Notice of Right to Sue letter.
 issued a Notice of Right to Sue letter, which I received on *(date)*
November the 8th 2024.

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (*check one*):

- 60 days or more have elapsed.
 less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

That plaintiff be made whole in every way. Details outlined in attached documents.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: January 31, 2025.

Signature of Plaintiff



Printed Name of Plaintiff

Peter C Starke Jr

1 Pro se

2 UNITED STATES DISTRICT COURT

3 EASTERN DISTRICT OF NEW YORK

4 JURISDICTION

5 PETER C, STARKEN JR

6 Case No.: Number

7 Plaintiff,

8 vs.

9 COMPLAINT FOR RETALIATION IN
10 VIOLATION OF PROTECTED RIGHTS

The Patchogue Medford Union Free School
11 District

12 Defendant

13 COMPLAINT

14 I. INTRODUCTION

15 Plaintiff Peter C. Starken Jr., began working for the Patchogue-Medford Union
16 Free School District on July 1, 2018.

17 The retaliation from several administrators began after Plaintiff was appointed as
18 Shop Steward, Grievance Representative, and Disciplinary Representative for his union unit on
19 or about March 2019.

20 This complaint outlines the pattern of retaliation, career suppression, and
21 workplace harassment Plaintiff has faced in violation of federal and state labor protections.

22 II. PARTIES

23 Plaintiff, Peter C. Starken Jr., is an employee of the Patchogue-Medford Union
24 Free School District in Suffolk County, New York.

1 Defendant, Patchogue-Medford Union Free School District, is a public school
2 district incorporated under the laws of the State of New York.

3 **III. STATEMENT OF CLAIM**

4 **1. Retaliation by Custodial Supervisor Dan Burt (Robert Daniel Burt)**

5 June 2019: Dan Burt demanded that Plaintiff remove all union-related titles from
6 his work email signature. The district later deleted this demand from the email chain, but
7 Plaintiff possesses the original record.

8 December 19, 2019: Plaintiff suffered a heart attack and did not return to work
9 until March 27, 2020. During this time, Dan Burt accessed Plaintiff's work files and work email
10 account without permission.

11 Spring 2021: Dan Burt improperly deducted pay from Plaintiff and other
12 employees, leading to a grievance that was won in favor of the union.

13 **2. Retaliation by Director of Facilities Paul Noonan**

14 February 2021: After Plaintiff won a grievance related to building check pay, Paul
15 Noonan unilaterally changed procedures to retaliate.

16 August 2024: Plaintiff became the Union President. Noonan made repeated
17 statements about how he had successfully removed previous union leaders using Section 75
18 hearings, attempting to intimidate Plaintiff.

19 **3. Retaliation by Assistant Superintendent of Human Resources Joey Cohen**

20 August 17, 2022: Plaintiff filed a whistleblower complaint during a meeting with
21 Cohen and other officials. Cohen became confrontational upon realizing Plaintiff had legal
22 protection.

1 Following Weeks: Plaintiff's complaint regarding a FERPA violation by Bob
2 Klein was never formally recorded. Klein, the subject of the complaint, later played a role in
3 blocking Plaintiff's promotion to High School Chief Custodian.
4

5 **IV. DAMAGES AND RELIEF REQUESTED**

6 The plaintiff seeks \$3,500,255 in actual damages, based on:

7 Lost wages from denied promotions: \$2,350,255.

8 Lost overtime due to retaliation: \$165,000

9 Out-of-pocket financial losses: \$32,000

10 Emotional distress from ongoing retaliation: \$400,000

11 Plaintiff seeks \$750,000 - \$1,000,000 in punitive damages because:

12 The district engaged in intentional, prolonged retaliation against Plaintiff.

13 The plaintiff was blacklisted for career advancement due to whistleblower
14 complaints.
15

16 Administrators used security cameras, fabricated disciplinary actions, and
17 withheld promotions to punish Plaintiff.
18

19
20 All awarded punitive damages shall be equally distributed among all unit
21 members who were actively employed during the years 2019 through 2024.
22

23 **V. INJUNCTIVE RELIEF REQUESTED**

24 Prohibit further retaliation against Plaintiff and other union members.

25 Remove all false disciplinary actions from Plaintiff's record.

26 Reevaluate the hiring process to correct unfair promotion denials.

27 Restrict surveillance camera use to prevent further misuse.
28

1 VI. BASIS FOR CLAIMING THAT WRONGS ARE ONGOING
2

3 Plaintiff continues to face workplace surveillance and targeting.
4

5 The district still refuses to address false disciplinary claims.
6

7 Leadership remains hostile toward Plaintiff's union role, attempting to limit
8 negotiations.
9

10 The pattern of retaliation has not stopped despite multiple grievances and legal
11 challenges.
12

13 VII. CONCLUSION
14

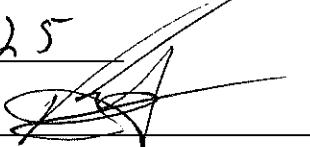
15 The above facts demonstrate a coordinated pattern of retaliation by multiple
16 district administrators to harm Plaintiff's career, reputation, and financial well-being.
17

18 The plaintiff seeks appropriate monetary, injunctive, and equitable relief to
19 remedy the harm suffered and prevent further unlawful actions.
20

21 Dated this day of Month, year. February 3rd, 2025
22

23 VIII. SIGNATURE
24

25 Dated: 2-3-25
26

27 Signed: 
28

Peter C. Starken Jr.

Plaintiff, Pro Se

Address: 124 Saint George Drive East, Shirley, NY 11967

Email: petestarken@gmail.com

Phone: (631)603-8156



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

New York District Office
33 Whitehall St, 5th Floor
New York, NY 10004
(212) 506-5270
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161, 161-A & 161-B)

Issued On: 11/08/2024

To: Mr. Peter C. Starken Jr.
124 Saint George Drive East
SHIRLEY, NY 11967
Charge No: 520-2023-04410

EEOC Representative and email: SILVIA DENG-BATISTA
Federal Investigator
silvia.deng-batista@eeoc.gov

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice**. Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign in to the EEOC Public Portal and upload the court complaint to charge 520-2023-04410.

On behalf of the Commission,

Digitally Signed By: Yaw Gyebi, Jr.
11/08/2024

Yaw Gyebi, Jr.
District Director

Cc:

Please retain this notice for your records.

Enclosure with EEOC Notice of Closure and Rights (01/22)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

(This information relates to filing suit in Federal or State court under Federal law. If you also plan to sue claiming violations of State law, please be aware that time limits may be shorter and other provisions of State law may be different than those described below.)

IMPORTANT TIME LIMITS – 90 DAYS TO FILE A LAWSUIT

If you choose to file a lawsuit against the respondent(s) named in the charge of discrimination, you must file a complaint in court **within 90 days of the date you receive this Notice**. Receipt generally means the date when you (or your representative) opened this email or mail. You should **keep a record of the date you received this notice**. Once this 90-day period has passed, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and the record of your receiving it (email or envelope).

If your lawsuit includes a claim under the Equal Pay Act (EPA), you must file your complaint in court within 2 years (3 years for willful violations) of the date you did not receive equal pay. This time limit for filing an EPA lawsuit is separate from the 90-day filing period under Title VII, the ADA, GINA, the ADEA, or the PWFA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA, the ADEA or the PWFA, in addition to suing on the EPA claim, your lawsuit must be filed within 90 days of this Notice and within the 2- or 3-year EPA period.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Filing this Notice is not enough. For more information about filing a lawsuit, go to <https://www.eeoc.gov/employees/lawsuit.cfm>.

ATTORNEY REPRESENTATION

For information about locating an attorney to represent you, go to:
<https://www.eeoc.gov/employees/lawsuit.cfm>.

In very limited circumstances, a U.S. District Court may appoint an attorney to represent individuals who demonstrate that they are financially unable to afford an attorney.

HOW TO REQUEST YOUR CHARGE FILE AND 90-DAY TIME LIMIT FOR REQUESTS

There are two ways to request a charge file: 1) a Freedom of Information Act (FOIA) request or 2) a "Section 83" request. You may request your charge file under either or both procedures. EEOC can generally respond to Section 83 requests more promptly than FOIA requests.

Since a lawsuit must be filed within 90 days of this notice, please submit your FOIA and/or Section 83 request for the charge file promptly to allow sufficient time for EEOC to respond and for your review.

To make a FOIA request for your charge file, submit your request online at <https://eeoc.arkcase.com/foia/portal/login> (this is the preferred method). You may also submit a FOIA request for your charge file by U.S. Mail by submitting a signed, written request identifying your request as a "FOIA Request" for Charge Number 520-2023-04410 to the

Enclosure with EEOC Notice of Closure and Rights (01/22)

District Director at Yaw Gyebi, Jr., 33 Whitehall St 5th Floor, New York, NY 10004.

To make a Section 83 request for your charge file, submit a signed written request stating it is a "Section 83 Request" for Charge Number 520-2023-04410 to the District Director at Yaw Gyebi, Jr., 33 Whitehall St 5th Floor, New York, NY 10004.

You may request the charge file up to 90 days after receiving this Notice of Right to Sue. After the 90 days have passed, you may request the charge file only if you have filed a lawsuit in court and provide a copy of the court complaint to EEOC.

For more information on submitting FOIA requests, go to
<https://www.eeoc.gov/eeoc/foia/index.cfm>.

For more information on submitted Section 83 requests, go to <https://www.eeoc.gov/foia/section-83-disclosure-information-charge-files>.